

S-391  
11500 Mathis Road  
Drive



FARMERS  
BRANCH

### ORDINANCE NUMBER 3057

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAS WELL SITE ON A 4.55 ACRE TRACT LOCATED EAST OF THE INTERSECTION OF MATHIS DRIVE AND CROWN DRIVE APPROXIMATELY 1900 FEET EAST OF LUNA ROAD AND WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT; ADOPTING A SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENSE; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a natural gas well site on a 4.55-acre tract located east of the intersection of Mathis Drive and Crown Drive approximately 1900 feet from Luna Road (11500 Mathis Drive) and within Planned Development 88 (PD-88) zoning district (hereinafter the "Property"), said property being more particularly described in Exhibit "A," attached hereto and incorporated herein as if set out in full in this Section 1.

**SECTION 2.** That the Property shall conform in operation, location and construction to the development standards specified within Planned Development 88 (PD-88) zoning district and in

accordance with the Site Plan attached hereto as Exhibit "B," and shall be further developed in accordance with the following Special Exceptions and Conditions:

**A. Special Exceptions:**

- (1) To allow the proposed concrete wall and fence to be located within the thirty foot (30.0') front setback along existing and future Mathis Drive as shown on Exhibit "B"- Site Plan (Landscape Plan Details).
- (2) To allow the use of eight inch (8.0") flex-based gravel (compressed to support at least 80,000 vehicles) for fire lanes, travel-ways and parking areas within the site.

**B. Special Conditions:**

- (1) A final plat of the Property must be approved and recorded prior to issuance of a Building Permit or Gas Well Permit for the site.
- (2) Installation of all sidewalk, streetlights, landscaping and fence improvements as shown on the Site Plan (Exhibit "B") shall be completed not later than nine (9) months after the date of the issuance of a Building Permit or Gas Well Permit for the site.
- (3) If the operator who obtains a Gas Well Permit for the drilling and production of natural gas on and from the Property commences drilling one or more gas wells on the Property and subsequently abandons all such drilling and/or production activities, and such abandonment occurs prior to the completion of construction of the improvements required by the Special Condition set forth in Paragraph (2), above, the Property must be restored to the condition of the Property prior to the adoption of this Ordinance, said restoration to be completed not later than three (3) months after the abandonment.
- (4) No activity for the exploration, drilling, or production of oil, gas, or other minerals shall occur on the Property until the holder of the Gas Well Permit authorizing such activities on the Property has signed a Right-of Way Maintenance and Repair Agreement with the City of Farmers Branch.

**SECTION 3.** That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.



**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

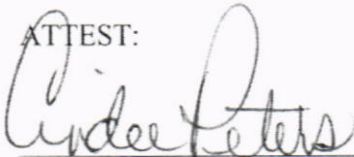
**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** In addition to and accumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 6<sup>TH</sup> DAY OF OCTOBER, 2009.**

ATTEST:



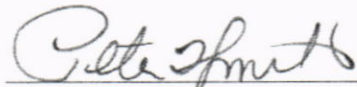
Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

## Exhibit A- Legal Description

### LAND DESCRIPTION

Being a tract of land situated in the William M. Cochran Survey, Abstract No. 279, Dallas County, Texas and being a portion of Lot 2R, Block C, Luna 635 Business Park, an addition to the City of Farmers Branch, Texas as recorded in Volume 80017, Page 2039 of the Deed Records of Dallas County, Texas and also being a portion of those certain tracts of land as described in deeds to Transcontinental Realty Trust, Inc. as recorded in Volume 2000030, Page 4607 and Volume 2002176, Page 10952 of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod set with "Pate" cap at the intersection of the northerly right of way line of Crown Drive (64 foot wide right-of-way) and the easterly right-of-way line of Mathis Drive (64 foot wide right-of-way) according to the plat of said Luna 635 Business Park;

**THENCE** North 13 degrees 54 minutes 20 seconds East, departing the right-of-way lines of said Crown Drive and Mathis Drive, a distance of 10.58 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** North 08 degrees 53 minutes 00 seconds East, a distance of 159.86 feet to a 5/8 inch iron rod set with "Pate" cap at the beginning of a curve to the left, having a central angle of 27 degrees 16 minutes 55 seconds, a radius of 682.00 feet and being subtended by a 321.68 foot chord which bears North 04 degrees 45 minutes 28 seconds West;

**THENCE**, along said curve to the left in a northwesterly direction, an arc distance of 324.74 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** North 89 degrees 32 minutes 34 seconds East, a distance of 223.47 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 01 degrees 24 minutes 10 seconds East, a distance of 188.12 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 27 degrees 21 minutes 18 seconds East, a distance of 133.99 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 11 degrees 35 minutes 46 seconds West, a distance of 202.04 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 89 degrees 42 minutes 29 seconds East, a distance of 90.79 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the westerly line of that certain tract of land as described in deed to the City of Dallas as recorded in Volume 86057, Page 342 of the Deed Records of Dallas County, Texas;

**THENCE** South 08 degrees 50 minutes 28 seconds West, along the westerly line of said City of Dallas tract, a distance of 39.32 feet to a 5/8 inch iron rod set with "Pate" cap at the beginning of a non-tangent curve to the right, having a central angle of 48 degrees 13 minutes 44 seconds, a radius of 603.29 feet and being subtended by a 492.96 foot chord which bears South 52 degrees 20 minutes 12 seconds West;

**THENCE**, along said curve to the right in a southwesterly direction, an arc distance of 507.82 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the easterly right-of-way line of the aforementioned Mathis Drive;

**THENCE** North 08 degrees 48 minutes 13 seconds East, along the easterly right-of-way line of said Mathis Drive, a distance of 358.62 feet to the **POINT OF BEGINNING** and containing 198,520 Square Feet or 4.557 acres of land, more or less.



# Exhibit B – Site Plan- ( Drainage )

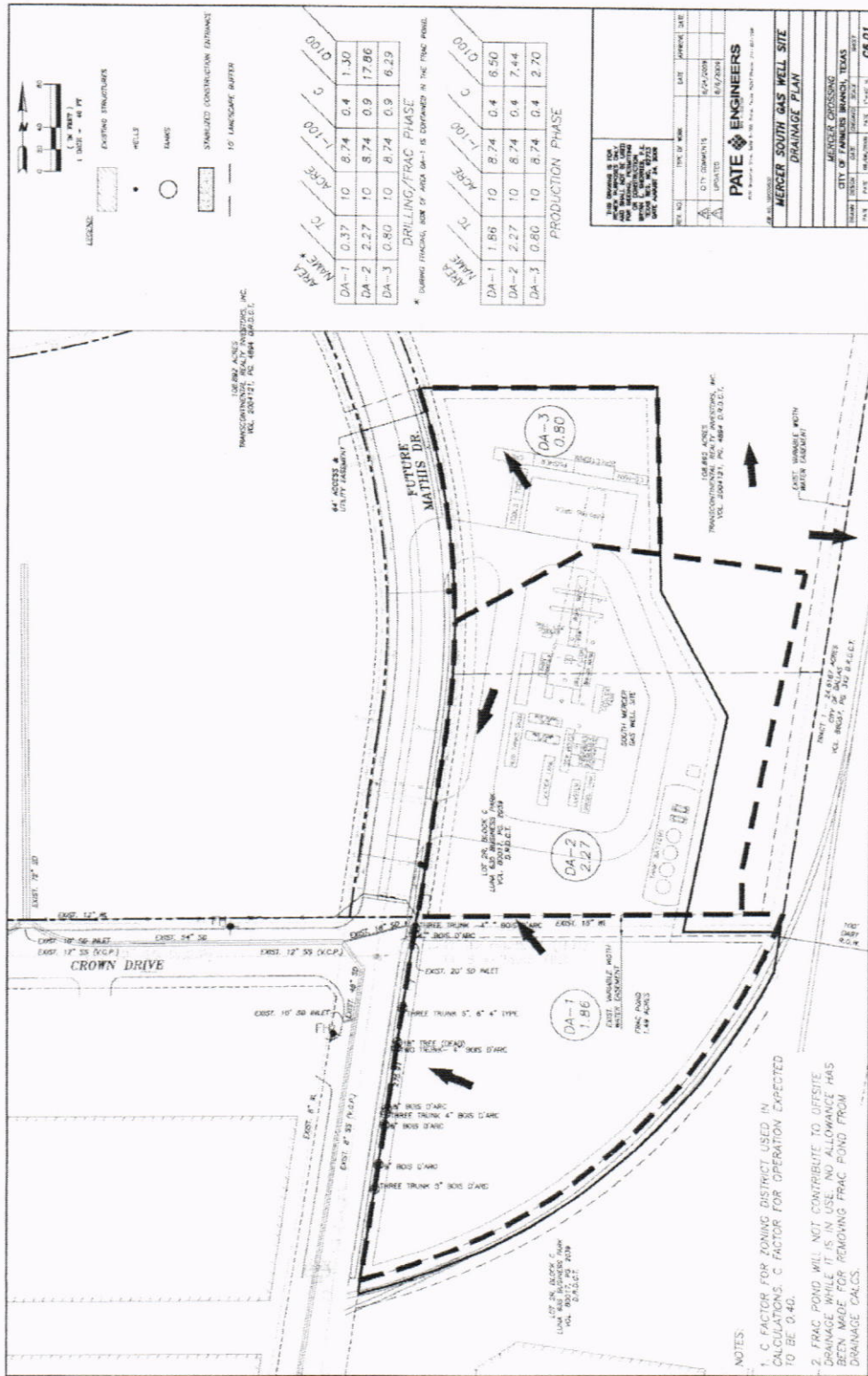
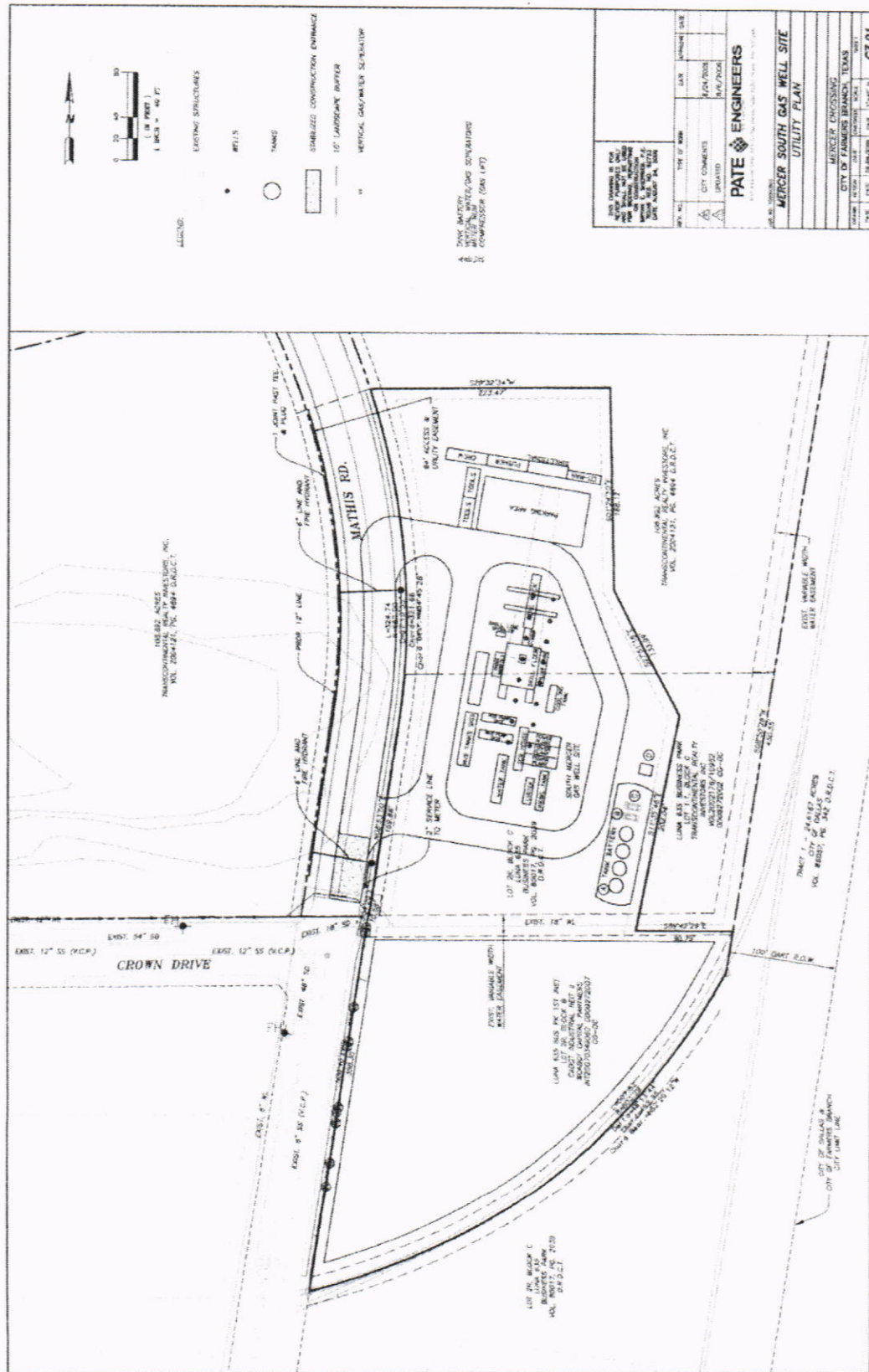


Exhibit B – Site Plan- ( Utilities)



**PLAN VIEW**

35' TEMP CONSTRUCTION EASEMENT  
20' PERMANENT GAS EASEMENT  
20' WATER LINE EASEMENT  
VARIABLE RIGHT OF WAY  
DARK 160'

4.5' MIN.  
8" STEEL 0.359 WALL X 42 PIPE  
GAS GATHERING LINE CROSS SECTION  
N.T.S.

10'

**FRAC POND CROSS SECTION**

LANDSCAPING FENCE  
LIMITS OF POND  
2.00' BERM  
VARIABLE DEPTH  
POND LINER  
2.00' BERM  
EXISTING GROUND  
SCREENING WALL

**DRILL RIG ELEVATION**

N.T.S.

NOTE: MAXIMUM HEIGHT OF FRAC POND BERM SHALL BE LIMITED TO 4' LET FRAC POND LINER & LANDSCAPE BERM SHALL BE TWO SEPARATE BERMS.



Exhibit B – Site Plan- ( Gas Well Network Plan)

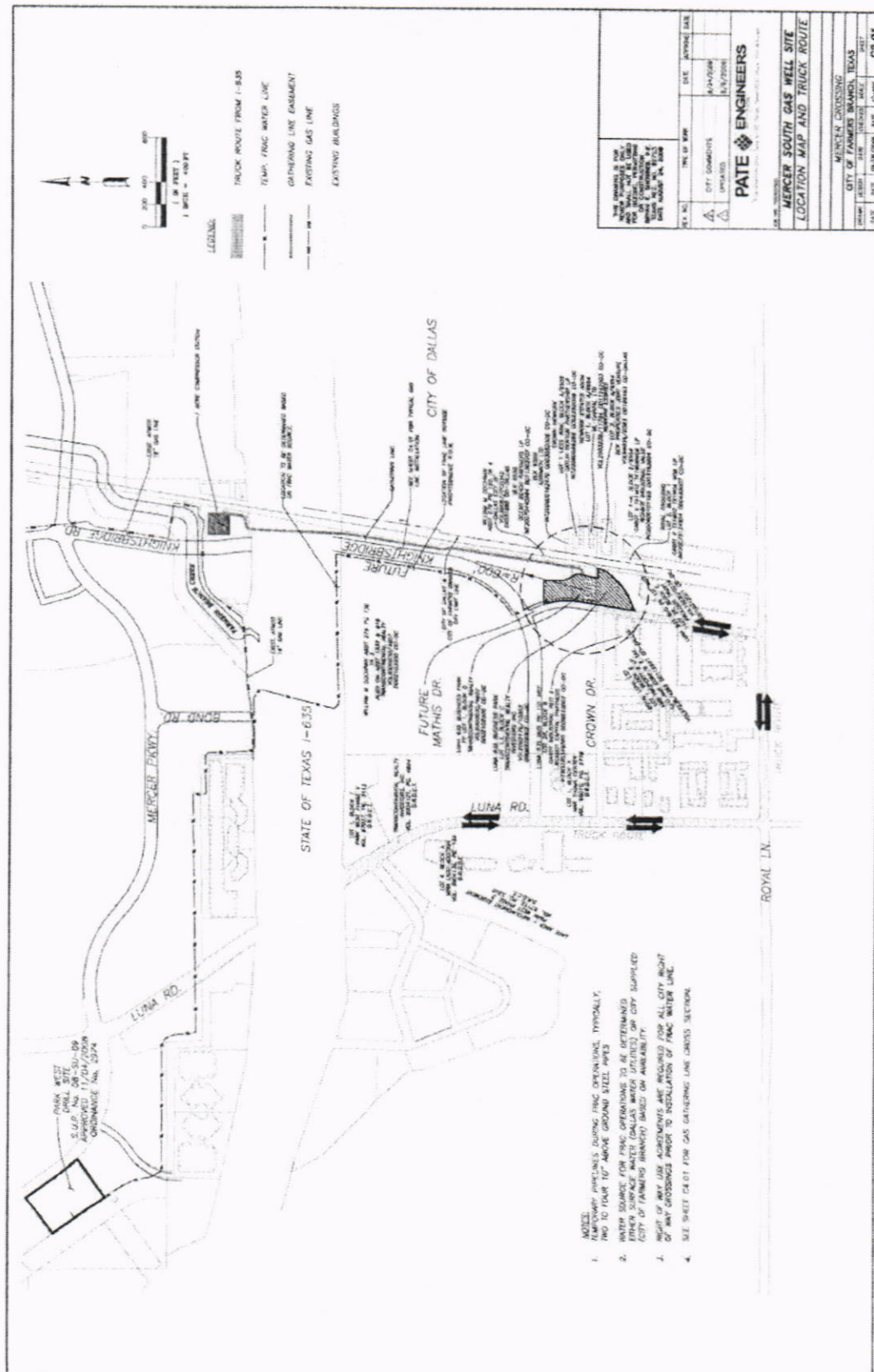


Exhibit B – Site Plan- (Drilling Phase)

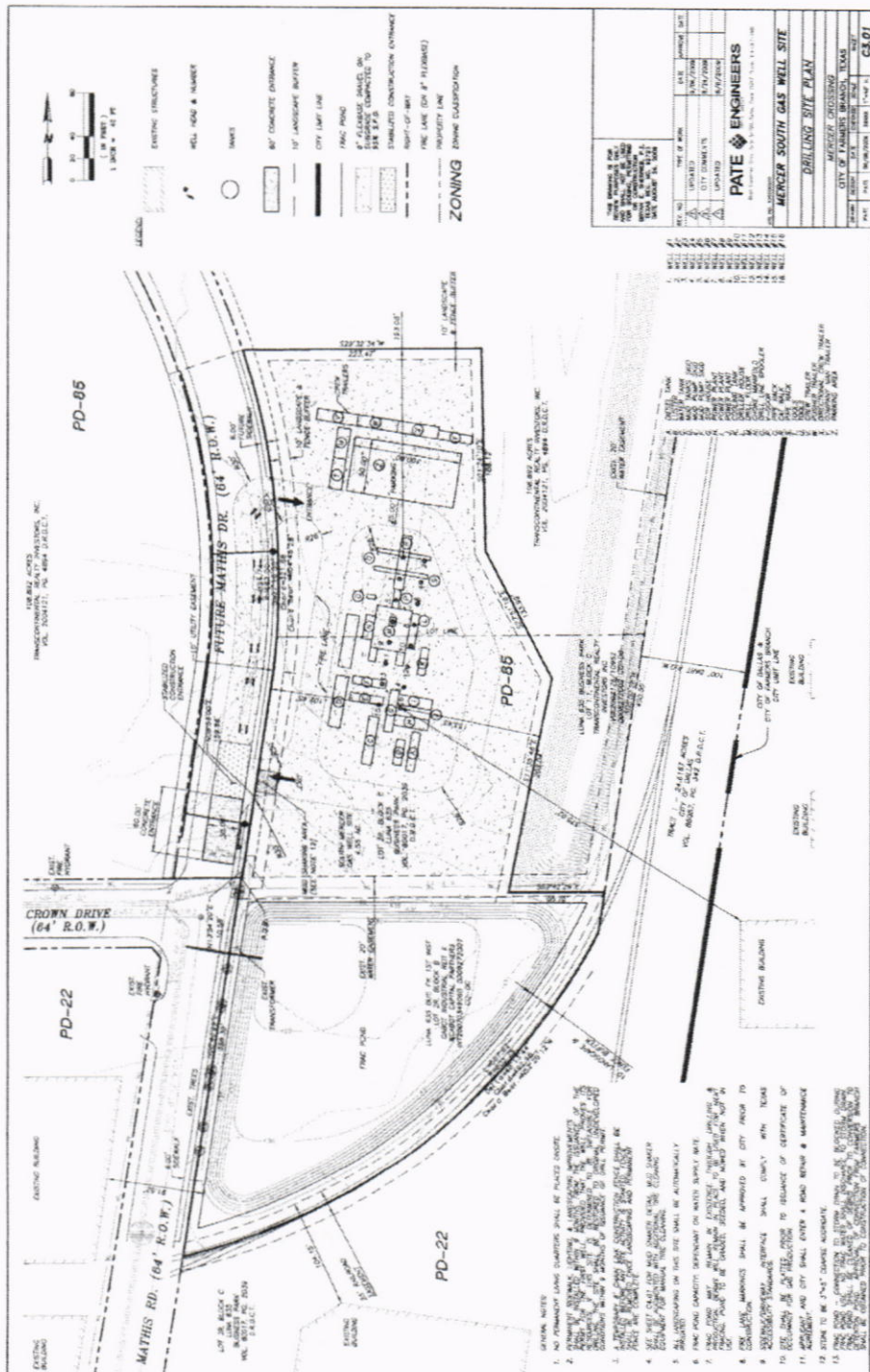


Exhibit B – Site Plan- (Production Phase)

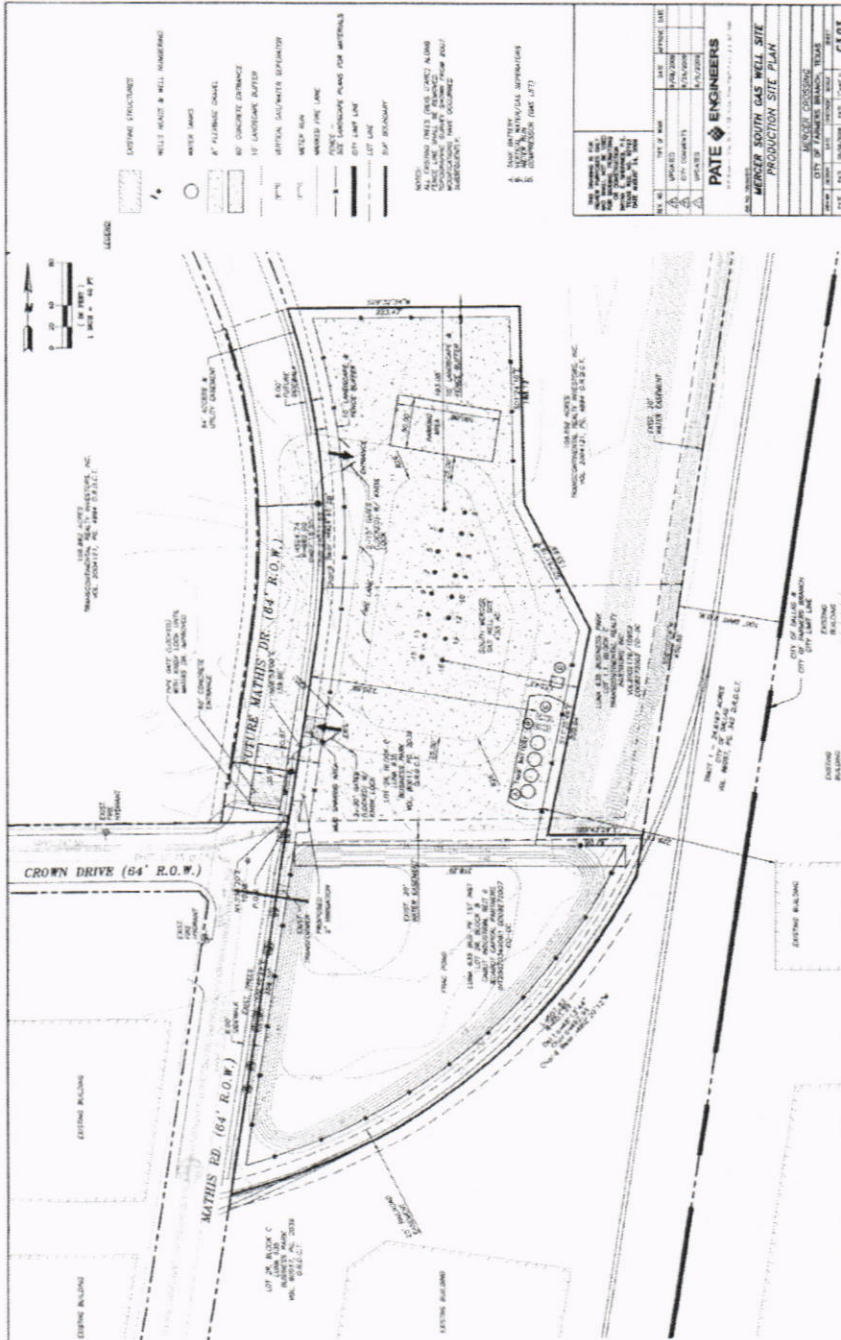
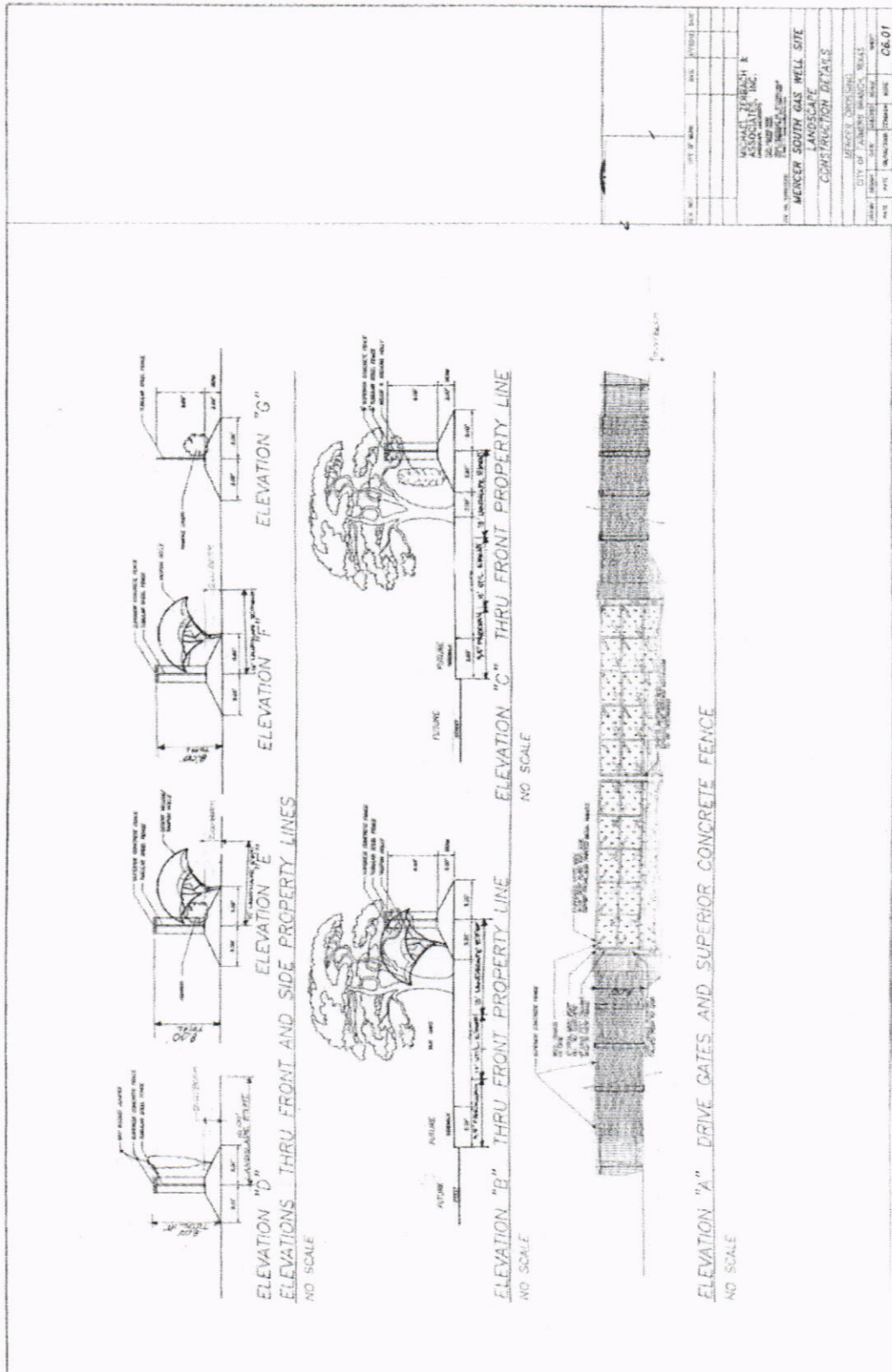




Exhibit B – Site Plan- (Landscape Plan Details)



# Exhibit B – Site Plan- (Landscape and Wall Details)



DATE	1/11/11	DATE	1/11/11	DATE	1/11/11
BY	W. B. BROWN	BY	W. B. BROWN	BY	W. B. BROWN
CHECKED		CHECKED		CHECKED	
APPROVED		APPROVED		APPROVED	
MICHAEL J. BROWN, INC.					
1000 N. 10TH ST.					
MENCER SOUTH GAS WELL SITE					
LANDSCAPE					
CONSTRUCTION DETAILS					
CITY OF JAMES HARRIS, TEXAS					
PROJECT NO. 1000					
SHEET NO. 08.01					